

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:05CR3036
)	
Plaintiff,)	
vs.)	MEMORANDUM
)	AND ORDER
JORGE HERNANDEZ-REYES,)	
)	
Defendant.)	

Defendant as filed a pro se motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Because an appeal from the judgment of conviction is pending before the United States Court of Appeals for the Eighth Circuit,

IT IS ORDERED that Defendant's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (filing 50) is denied without prejudice.

December 20, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge